

Introduced by Senator Galgiani

February 22, 2013

An act to amend Section 2690 of the Penal Code, relating to inmates, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 771, as introduced, Galgiani. Inmates: temporary removal.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to temporarily remove any inmate from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections and Rehabilitation, including, but not limited to, removal for the purpose of attending college classes. Existing law provides that, unless the inmate is removed for medical treatment, the removal shall not be for a period longer than 3 days. Existing law also authorizes the secretary to require the inmate to reimburse the state, in whole or in part, for expenses incurred by the state in connection with the temporary removal, other than for medical treatment.

This bill would additionally authorize the Secretary of the Department of Corrections and Rehabilitation to temporarily remove any inmate from prison or any other institution for the detention of adults under the jurisdiction of the department for the purpose of permitting the inmate to participate in or assist with the gathering of evidence relating to crimes, and would authorize the secretary to require, except when the removal is for medical treatment or to assist with the gathering of evidence relating to crimes, the inmate to reimburse the state for its reasonable expenses incurred in connection with the temporary removal.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2690 of the Penal Code is amended to
2 read:
3 2690. ~~(a)~~—The Secretary of the Department of Corrections and
4 Rehabilitation may authorize the temporary removal of any inmate
5 from prison or any other institution for the detention of adults
6 under the jurisdiction of the Department of Corrections and
7 Rehabilitation, including removal for the purpose of attending
8 college classes *or permitting the inmate to participate in or assist*
9 *with the gathering of evidence relating to crimes.* The secretary
10 may require that the temporary removal be under custody. Unless
11 the inmate is removed for medical treatment, the removal shall not
12 be for a period longer than three days. The secretary may require,
13 *except when the removal is for medical treatment or to assist with*
14 *the gathering of evidence related to crimes,* the inmate to reimburse
15 the state, in whole or in part, for expenses incurred by the state in
16 connection with the temporary removal ~~other than for medical~~
17 ~~treatment.~~
18 ~~(b) This section shall become operative on January 1, 2013.~~
19 SEC. 2. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:
23 In order to enable law enforcement agencies to obtain important
24 evidence regarding serious crimes, including murder and
25 kidnapping, from inmates as soon as possible, it is necessary that
26 this act take effect immediately.